

HOUSE BILL No. 1128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19-1-1; IC 9-21; IC 9-22; IC 9-24-1-7; IC 9-25-1-7; IC 9-26; IC 14-8-2; IC 14-19-1-0.5.

Synopsis: Golf carts on local streets. Prohibits an individual from operating a golf cart on a public or private highway, except when a city or town has adopted an ordinance (ordinance) authorizing the use of golf carts on the city's or town's highways or private roads, or both. Specifies that an ordinance may require that the golf cart display a slow moving vehicle sign. Permits an ordinance to require that an individual operating a golf cart in a city or a town may be required to hold a driver's license. Excludes an individual allowed to operate a golf cart under an ordinance from the provisions of the requirement of financial responsibility for motor vehicles. Excludes a dealer of golf carts as a dealer of vehicles. Makes conforming amendments.

Effective: July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1128

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.131-2008,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 42. (a) "Dealer" means, except as otherwise
4 provided in this section, a person who sells to the general public,
5 including a person who sells directly by the Internet or other computer
6 network, at least twelve (12) vehicles each year for delivery in Indiana.
7 The term includes a person who sells off-road vehicles, **but does not**
8 **include a person who sells golf carts.** A dealer must have an
9 established place of business that meets the minimum standards
10 prescribed by the bureau under rules adopted under IC 4-22-2.
11 (b) The term does not include the following:
12 (1) A receiver, trustee, or other person appointed by or acting
13 under the judgment or order of a court.
14 (2) A public officer while performing official duties.
15 (3) A person who is a dealer solely because of activities as a
16 transfer dealer.
17 (c) "Dealer", for purposes of IC 9-31, means a person that sells to



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the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft; per year.

SECTION 2. IC 9-13-2-69.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 69.7. "Golf cart" means a vehicle originally and specifically designed and intended for the purposes of transporting one (1) or more individuals and golf clubs or maintenance equipment, or both, while:**

(1) playing or supervising the game of golf; or

(2) maintaining the condition of the grounds on a public or private golf course.

SECTION 3. IC 9-13-2-105, AS AMENDED BY P.L.191-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, a golf cart, or an electric personal assistive mobility device.**

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle except a motorized bicycle or golf cart that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor or golf cart.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle or golf cart.

(e) "Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3, includes a semitrailer.

SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.214-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 123. "Passenger motor vehicle" means a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, a bus, a school bus, a golf cart, or an off-road vehicle.**

SECTION 5. IC 9-13-2-196, AS AMENDED BY P.L.41-2006,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.
- (7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:
 - (A) Road construction or maintenance machinery.
 - (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
 - (C) Construction dust control machinery.
 - (D) Well boring apparatus.
 - (E) Ditch digging apparatus.
 - (F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.
 - (G) An invalid chair.
 - (H) A yard tractor.
 - (I) A golf cart.**
- (8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 6. IC 9-19-1-1, AS AMENDED BY P.L.210-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsection (b) and as

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otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

- (1) Implements of agriculture designed to be operated primarily in a farm field or on farm premises.
- (2) Road machinery.
- (3) Road rollers.
- (4) Farm tractors.
- (5) Vehicle chassis that:
 - (A) are a part of a vehicle manufacturer's work in process; and
 - (B) are driven under this subdivision only for a distance of less than one (1) mile.

(6) Golf carts that are operated on a highway or a private road under an ordinance adopted under IC 9-21-1-3.3.

(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

SECTION 7. IC 9-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Except as provided in sections 2, ~~and 3~~, **and 3.3** of this chapter, this article applies throughout Indiana.

SECTION 8. IC 9-21-1-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. **3.3. (a) Except as provided in subsections (b) and (c), an individual may not operate a golf cart on a highway or a private road.**

(b) A city or a town may adopt by ordinance additional traffic regulations concerning the use of golf carts on a highway under the jurisdiction of the city or the town. An ordinance adopted under this subsection may not conflict with or duplicate a statute.

(c) After a request has been made at a public meeting or by certified mail to the legislative body (as defined in IC 36-1-2-9) from the property owner of a private road, a city or a town may adopt by ordinance additional traffic regulations concerning the use of golf carts on the private road within the city's or town's jurisdiction. The ordinance:

- (1) must require a contractual agreement between the city or the town and the property owner of the private road setting forth the terms and responsibilities of the additional traffic regulations;**
- (2) must require the contractual agreement required under subdivision (1) to be recorded, after passage of the ordinance,**

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in the office of the recorder of the county in which the private road is located; and

(3) may not conflict with or duplicate state law.

(d) A fine assessed for a violation of a traffic ordinance adopted by a city or a town under this section shall be deposited into the general fund of the city or town.

(e) A person who violates subsection (a) commits a Class C infraction.

SECTION 9. IC 9-21-9-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. **(a) This chapter does not apply to the following:**

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart.

(b) An ordinance adopted in accordance with IC 9-21-1-3.3(b) or IC 9-21-1-3.3(c) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city or town.

SECTION 10. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter does not apply to the following:

(1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.

(2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(3) A vehicle located on a vehicle sale lot.

(4) A vehicle located upon property licensed or zoned as an automobile scrapyard.

(5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

(6) A golf cart.

SECTION 11. IC 9-22-3-0.5, AS ADDED BY P.L.219-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. For purposes of this chapter:

(1) "motor vehicle" does not include an off-road vehicle; and

(2) "vehicle" does not include a golf cart.

SECTION 12. IC 9-22-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. **(a) This section does not apply to a person who sells, exchanges, or transfers golf carts.**

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(b) A seller that is:

- (1) a dealer; or
- (2) another person who sells, exchanges, or transfers at least five
- (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee, before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle.

SECTION 13. IC 9-24-1-7, AS AMENDED BY P.L.210-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

- (A) a road roller;
- (B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
- (C) a ditch digging apparatus;
- (D) a well drilling apparatus;
- (E) a concrete mixer; or
- (F) a farm tractor or an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on an Indiana public highway.

(3) A nonresident who:

- (A) is at least sixteen (16) years and one (1) month of age; and
- (B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

- (A) is at least eighteen (18) years of age; and
- (B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

- (A) is at least eighteen (18) years of age; and

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(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle.

(B) The vehicle has been registered for the current year in the state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle.

(ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

(b) An ordinance adopted under IC 9-21-1-3.3(b) or

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1 **IC 9-21-1-3.3(c) may require that an individual who operates a golf**
 2 **cart in the city or town hold a driver's license.**

3 SECTION 14. IC 9-25-1-7 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2009]: **Sec. 7. This article does not apply to the operator of a golf**
 6 **cart being operated on a highway or a private road in accordance**
 7 **with an ordinance adopted under IC 9-21-1-3.3.**

8 SECTION 15. IC 9-26-1-0.3 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2009]: **Sec. 0.3. Except as provided in section 7 of this chapter,**
 11 **this chapter does not apply to the operator of or a passenger in a**
 12 **golf cart being operated on a highway or a private road in**
 13 **accordance with an ordinance adopted under IC 9-21-1-3.3.**

14 SECTION 16. IC 9-26-6-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person
 16 removing a wrecked or damaged vehicle **or golf cart** from a street or
 17 highway must remove any glass or other foreign material dropped upon
 18 the street or highway from the vehicle.

19 SECTION 17. IC 14-8-2-116.5 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2009]: **Sec. 116.5. "Golf cart", for purposes**
 22 **of IC 14-8-2-185 and IC 14-19-1-0.5, has the meaning set forth in**
 23 **IC 9-13-2-69.7.**

24 SECTION 18. IC 14-8-2-185, AS AMENDED BY P.L.225-2005,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2009]: Sec. 185. (a) "Off-road vehicle", for purposes of
 27 IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable
 28 of cross-country travel:

- 29 (1) without benefit of a road; and
 30 (2) on or immediately over land, water, snow, ice, marsh,
 31 swampland, or other natural terrain.

32 (b) The term includes the following:

- 33 (1) A multiwheel drive or low pressure tire vehicle.
 34 (2) An amphibious machine.
 35 (3) A ground effect air cushion vehicle.
 36 (4) Other means of transportation deriving motive power from a
 37 source other than muscle or wind.

38 (c) The term does not include the following:

- 39 (1) A farm vehicle being used for farming.
 40 (2) A vehicle used for military or law enforcement purposes.
 41 (3) A construction, mining, or other industrial related vehicle used
 42 in performance of the vehicle's common function.

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- (4) A snowmobile (as defined by section 261 of this chapter).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart. ~~vehicle.~~

SECTION 19. IC 14-19-1-0.5, AS ADDED BY P.L.225-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

- (1) motor driven, either by gas or electricity;
- (2) used to carry passengers or equipment; and
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:
 - (A) passenger motor vehicle (as defined in IC 9-13-2-123);
 - (B) recreational vehicle (as defined in IC 9-13-2-150); or
 - (C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of ~~motor~~ vehicle.

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
- (2) a motorcycle (as defined in IC 9-13-2-108);
- (3) a motor scooter (as defined in IC 9-13-2-104);
- (4) a motorized bicycle (as defined in IC 9-13-2-109); or
- (5) an off-road vehicle.

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